

MINUTES OF REGULAR MEETING

July 27, 2015

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Sonya Clover declared a quorum was present, and called the regular meeting to order at 6:00 p.m.

Present: Sonya Clover, Harriette Cummings, Nelson Cox and William Simpson

Absent: No members were absent.

Also Present: Jack Yates, City Administrator

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Mr. Milam Mabry advised that he would speak during the particular item on the agenda.

CONSIDERATION AND POSSIBLE ACTION

1. Discuss/take action regarding May 19, 2015 and June 1, 2015 meeting minutes

Harriette Cummings moved to approve the minutes as presented. William Simpson seconded the motion, the motion carried unanimously. (4-0)

2. Consider and take action regarding Final Plat of Buffalo Springs Shopping Center, Phase 2 and accompanying variance request pertaining to submission of construction plans.

Mr. Glynn Fleming, Associate Engineer, advised that the plat was in keeping with the Code, with a few minor text corrections, so they are recommending a provisional approval pending corrections. There is a second request to 78.62(a) of the Code of Ordinances which requires approved construction drawings for all public utility infrastructure to serve the plat. Mr. Fleming advised that this area is being funded by a Texas Capital Fund Grant, and there are certain qualifications and stipulations included in that Grant. One of which is, the City may not incur any expenses for those public utility improvements until such a time as all other criteria for the Grant have been fulfilled. Mr. Fleming advised that they are currently undergoing an Archaeological and Environmental Review, and until that is complete they can't move forward.

Mr. Fleming recommended provisional approval of the plat and the variance request. Chairman Clover asked when they expected to receive the information. Mr. Fleming advised that they have been told that the Archeological 4-6 weeks away from completion, and then 3-4 weeks away from the construction drawings being approved. Mr. Shackleford advised that the provisional approval that they are asking for tonight will allow them to work with the surveyor and engineer to make whatever corrections need to be made to the plat, and once those are made they will bring back for signatures. Mr. Shackleford said that they would report back to the Commission at the next meeting regarding the status.

William Simpson moved to grant the variance to Section 78.62(a) of the City of Montgomery Code of Ordinances to defer the delivery of the construction plans and granting provisional approval of the Final Plat, subject to the City Engineer's concurrence that all the Final Plat requirements have been met. Nelson Cox seconded the motion, the motion carried unanimously. (4-0)

3. Consider and take action regarding Final Plat of Waterstone on Lake Conroe, Section Two

Mr. Fleming advised that in keeping with the Code of Ordinances, with a few minor text corrections and line work, he recommended provisional approval pending those corrections. Mr. Fleming advised that there was some phrasing missing on the signature page concerning the dedication of private roads and some line work regarding the City limit lines.

Nelson Cox moved to approve the Final Plat accompanying construction drawings, pending minor text and line detail corrections that our legal experts will see is done properly. William Simpson seconded the motion, the motion carried unanimously. (4-0)

4. Consider and take action regarding Final Plat of Terra Vista at Waterstone, Section One

Mr. Flemings stated that the Terra Vista Preliminary Plat was brought in for approval some months ago with variance requests. Since then, they have reviewed some construction drawings, and one of the adjacent property owners brought to the City's attention some concerns that they have surrounding grading and excavation activities.

Mr. Milam Mabry stated that he would like to introduce his mother, Sarah Mabry, himself, and their Engineer, Levi Love. Mrs. Mabry addressed the Commission and thanked them for their time.

Mrs. Mabry said that the spirit of the Community has always been preservation. Mrs. Mabry said that this has been the roots of many generations, with a great landscape. She hoped that the Commission would listen and take into consideration of her concerns. Mrs. Mabry said that she is in favor of development, and advised that she had spent \$10,000 of her own money

looking into this matter. Mrs. Mabry said that she did not think that anyone wanted to interfere with development or future development.

Mr. Mabry said that his mother had a gut feeling that her land was being flooded, not necessarily intentionally, but they did discover that it had been flooded. Mr. Mabry said that they had a very friendly meeting with their neighbor, and simply asked them to comply with the law. Mr. Mabry advised they have not been provided the data and information that would prove to them that their neighbor's land will take the natural flow rate, not just from her property, but also above FM1097 on the north side. Mr. Mabry thanked City staff and City Engineers, Jones and Carter, for working with their team. Mr. Mabry said that at the end of the day they do not believe that the Final Plat should be approved without a full review of the plans. Mr. Mabry said that they had not been provided with the plans, and it is in City ordinance 78.62(d) that a plat cannot be approved by Council until the final plans are approved. They also ask that they comply with Texas State Law that says "I can't flood you and you can't flood me." Mr. Mabry said that the natural flow has to continue on the property. Mr. Mabry said that they are asking that the plans for the drainage ditch handle the natural flow rate of water that flows through his mother's land.

Mr. Levi Love, Engineer, stated that when they started digging canals with swales off to the side, and inadvertently blocked some of the Mabry's drainage. The drainage that they are discussing today is related to the Terra Vista Plat. Mr. Love said the initial plat that was submitted did not show the creek that leaves the Mabry property. Mr. Love said that they have done their analysis, which they have brought to the meeting that shows a very well defined creek, east of Atkins Creek. Mr. Love said that after their pre-developed 100-year storm to that point should be 85 cubic feet per second. Mr. Love said it was their understanding that their calculation was somewhere around 40 cubic feet per second. Mr. Love said that when they do a detention pond in the future, they will be limited to the detention flow that will leave the property, because everybody is responsible to mitigate that flow to the pre-developed rate. Mr. Love said that the best thing would be for everybody to cooperate and reach a number that will work for the site. Mr. Love said that they have requested the plans from Terra Vista and when they are ready to be approved, they would like to see them. Mr. Love said that they are very concerned that the plat might be approved without final plans because they need to make sure that the Mabry's have their flow taken care of with this first section of development.

Mr. Love stated that maybe the City Engineer, Jones and Carter, could do a third party review of the flows, since they have opposing sides to make sure the flows are correct and work out a solution.

Chairman Clover advised that she was out at the property today, and said that she did not know that this issue can be resolved without doing a little more work. Mr. Yates advised that the Mabry property was located in the ETJ.

Mr. Shackleford said that in conversations with Mr. Bowen and his consultants, they have discussed leaving out Lot 9 on the plat and making it a temporary drainage easement to be able to convey the flow from that natural creek, into the storm sewer system and out to Atkins Creek. Mr. Shackleford said that extreme event flow would sheet over the land, into the street like it should, and out to Atkins Creek. Mr. Shackleford said that would be on a temporary basis until such time as the Mabry property changed hands, developed, or whatever. Mr. Shackleford said with that concept, as the Mabry property developed, they would take the developed flow down the side lot line direct to Atkins Creek. Then the developer could come back in on Lot 9 and build a home after the drainage was completed.

Mr. Love stated that he did not know if Mr. Shackleford had reviewed the construction plans. Mr. Shackleford advise that they had received the plans five minutes prior to the meeting, so they have not been reviewed.

Mr. Shackleford said that what his recommendation tonight was going to be was provisional approval of the Final Plat, subject to their review of the construction documents and that they are meeting the requirements per the conversation that they had last week. Mr. Shackleford said that they would also have to have provisions for temporary drainage solution, with a permanent solution long term.

Mr. Love said that they had a good meeting with Mr. Bowen, and would like to have that approval subject to a third party review.

Mr. Shackleford said that he did not mind the third party review, but they could come up with a third number. Mr. Love said that he would be okay with that, because it would be the City's number and establish the basis for any future calculations. Mr. Shackleford said that his question would be who pays for the third party review, because it should not be the City's responsibility. Mr. Love said that they do not care who pays, they just want to know that the number is correct, and good for ongoing development.

Chairman Clover asked what type of delay it would take to review the information. Mr. Shackleford said that to verify the information and to meet and discuss the information, would take approximately ten days, subject to everyone looking at the information.

Mr. Toland said that if it is tabled, they would have to wait another 30 days, so they are requesting conditional approval and they have the opportunity to approve the plans. Mr. Shackleford said that no work could be done until the plans are approved.

Mrs. Mabry asked the Commission to take the time so that they can all come to an agreement that meets todays and future needs, because once it is done you can't go back and undo them.

Mr. Yates advised them to be very certain of their decision, and not leave it up to the engineers. Mr. Yates said that they could call a Special Meeting to get the report from the Engineers.

Chairman Clover said that the Commission wants to make sure and do the right thing for both parties. Chairman Clover asked whether both parties could come to an agreement in two weeks. Mr. Mabry said that was very satisfactory. Mr. Shackleford advised that they would meet and mediate on behalf of the City.

After discussion, William Simpson moved to table the decision on the water drainage issue between the Mabry's and Terra Vista until common ground can be found, and bring it back to a Special Meeting to be held on August 10, 2015. Nelson Cox seconded the motion, the motion carried unanimously. (4-0)

5. Consider and take action regarding Texas State Flag Memorial at Lone Star Parkway and SH 105.

Mr. Yates advised that it was part of the Kroger Agreement that they would put up a flag and presented the two different options for the monument sign.

After discussion, Nelson Cox moved to approve the concrete star base on the first option, and the flag, lettering and stand on the second option. Harriette Cummings seconded the motion, the motion carried unanimously. (4-0)

6. Report from City Administrator regarding training for Planning and Zoning Commission.

Mr. Yates presented the section of the training manual dealing with subdivision controls, detailing platting procedures and process. Mr. Yates advised that maybe next month he might ask the City Engineer to show what all goes into approving plats.

ADJOURNMENT

Harriette Cummings moved to adjourn the meeting at 7:07 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Submitted by:


Susan Hensley, City Secretary

Date Approved:

08/24/15




Chairman Sonya Clover